

**Remark**

Applicants respectfully request reconsideration of this application as amended. No Claims have been amended. No Claims have been cancelled. Therefore, claims 1-28 are present for examination.

**35 U.S.C. §102 Rejection**

The Examiner has rejected claims 1-28 under 35 U.S.C. §102(b) as being clearly anticipated by Drake, Jr. et al. U.S. Patent No. 5,461,611 (“Drake, Jr.”). Applicant respectfully disagrees. In order to establish a prima facie case for a proper 102(b) rejection, each and every element of the claimed element must be demonstrated in the prior art.

Independent claim 1 requires in part, “implement a multi-media call application that effectuate quality of service (QOS) guaranty for a packet based multi-media call (CALL) through **call associated individual media stream bandwidth control.**”

Independent claim 10 requires in part, “the programming instructions implementing a bandwidth reservation service that requests a sub-net bandwidth manager (SBM) **to allocate a portion of reserved bandwidth** for a packet based multi-media call (CALL) **to an individual media stream of the CALL.**”

Independent claim 14 requires in part, “the multi-media call application **subsequently causing the SBM to allocate the reserved bandwidth for the CALL to individual media streams of the CALL,** causing call level information to be provided to the SBM to enable the SBM to associate the individual media streams of the CALL with the reserved bandwidth of the CALL.”

Independent claim 20 requires, in part, “effectuates quality of service (QOS) guaranty for a packet based multi-media call (CALL) using **call associated individual media stream bandwidth control.**”

Independent claim 26 requires, in part, “**allocate a portion of reserved bandwidth for a packet based multi-media call (CALL) to an individual media stream of the CALL.**”

The invention and each of the independent claims is concerned with controlling bandwidth for **individual media streams** of a packet based multi-media call. Once a CALL is established over the network of question, the invention teaches that **the bandwidth of individual media streams** or streams that require only a portion of the allocated CALL bandwidth **are controlled.** “Multi-media application 112 **conducts the multi-media call using multiple media streams,** sending and receiving each media stream over **individualized** logical channel.” A CALL is broken down into multiple audio and video [media] streams. (Page 6, lines, 17-13) By controlling bandwidth for individual multi-media streams as portions of the full Call data stream, the quality of service is guaranteed.

Drake is concerned with establishing a bandwidth reservation for a multi-media call. “Together, components 12 and 13 assemble a request to reserve a QoS connection for a multi-media data stream on that path through the LAN 17 between source station 10 and target station 29.” Drake is concerned with allocating a CALL or establishing the bandwidth reservations for a full multi-media data stream that includes everything associated with the multi-media communication. As stated in the Background, “merely managing a LAN’s bandwidth at the call level often results in waste, as there is no correlation to the actual bandwidth consumption by the media streams of the calls.” (Page 2, lines 14-16) Nothing is

taught or suggested in Drake that individual media streams of a multi-media call are bandwidth controlled as required as stated above by each of the independent claims. Consequently, a prima facie case under 102 has not been properly established and the rejections should be withdrawn.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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